

JUN 16 2008

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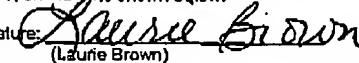
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 59439(70904)	
		Application Number 10/603,721-Conf. #3344	Filed June 24, 2003
		First Named Inventor Takashi Imai et al.	
		Art Unit 2179	Examiner S. K. Becker
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>26,768</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p>			
<p> _____ Signature</p> <p><u>Peter J. Manus</u> _____ Typed or printed name</p> <p><u>(617) 517-5530</u> _____ Telephone number</p> <p><u>June 16, 2008</u> _____ Date</p>			
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

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Dated: June 16, 2008

Signature: 
(Laurie Brown)JUN 16 2008
Docket No.: 59439(70904)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Takashi Imai et al.

Application No.: 10/603,721

Confirmation No.: 3344

Filed: June 24, 2003

Art Unit: 2179

For: USER INTERFACING DISPLAY
APPARATUS AND IMAGE FORMING
APPARATUS

Examiner: S. K. Becker

REMARKS: PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following remarks support Applicants' "Pre-Appeal Brief Request for Review" filed concurrently herewith in the above-referenced application. These remarks constitute no more than five pages, and are being filed with a Notice of Appeal.

Claims 1-4, 6, 9, 12-14 and 16-18 stand rejected under 35 USC §103 as being unpatentable over U.S. Published Application No. 2002/0048035 to Beaudet et al. ("Beaudet"). Claims 7, 8, 10, 11 and 15 stand rejected under 35 USC §103 as being unpatentable over Beaudet when combined with Tezuka and further combined with Japanese Publication No. 03175065 to Sato et al. ("Sato") with respect to claims 7 and 8, or U.S. Patent No. 6,385,412 to Sadakumi ("Sadakumi"; claim 5), or U.S. Published Application NO. 2005/050996 to Hirayama ("Hirayama"; claims 10 and 11).

The Examiner issued an Advisory Action on June 3, 2008, noting that the response filed on May 13, 2008 did not place the application in condition for allowance. The Examiner bases this conclusion on responses to two of six arguments in the Rule 116 Response, that 1) Applicants' claims are directed to a user interface display

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apparatus and Tezuka describes "a printer with a GUI button that changes state," and 2) without hindsight, a person of ordinary skill in the art would combine the teachings of Beaudet and Tezuka to produce the present claimed invention.

Applicants are filing the within "Pre-Appeal Brief Request for Review," based on the following clear errors and/or omissions in the Final Office Action mailed on March 14, 2008, and respectfully request review of the Final Office Action in the above-referenced application.

First Clear Error and/or Omission in the Final Office Action

The Examiner has made a clear error and/or omission as to claims 13-18, at least because claims 1-4, 9, 12-14, and 16-18 are not obvious over Beaudet combined with Tezuka at last for the reasons delineated in Applicant's last Response that were not refuted by the Examiner (numbered below to follow the outline in the Rule 116 Response). With respect to claims 7, 8, 10, 11 and 15, the tertiary references do not supply the deficiencies of the Beaudet and Tezuka combination.

Reason "3"

These claims require, but neither Beaudet or Tezuka teach or suggest, a display control section that change the display state of an interruption key "when the detail setting key that is associated with one of the detail settings of one of the plurality of jobs is selected" and in connection with popping up ... a detail item of that one of the detail settings." The cited prior art does not initiate a pop-up of detail settings for a different copy (or print) job to be run under control from the same GUI as a previous copy (or print) job. Neither Beaudet nor Tezuka teach or suggest a change of display state as claimed, including the limitations in the pending claims about the operational interaction of the interruption key, the display section and the display control means for the popping up and the interruption key change of state. Further, there is no teaching or suggestion of use of a change in display state of a key in conjunction with a detail setting pop-up. The claimed Invention avoids operator confusion, which is the point of the present invention, but a problem not even recognized in Beaudet or Tezuka.

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Reason "4"

In Tezuka where an interrupt button is described, e.g. Col. 27, line 57 et seq., in connection with Figs. 25 and 29, actuation of an interrupt button causes a window (Fig. 29) to display for confirmation of the interrupt. Pressing "OK" transfers control to a different window. See also Col. 30, line 37 et seq. as well as a discussion of the use of two levels of confirmation (Col. 31, lines 41-61). This is not the claimed operation of the display control means in connection with the selection of one of a plurality of pop-up detail settings and a change of the state of display of the interrupt button.

Reason "5"

The passage in Tezuka cited by the Examiner deals with the bit maps (Fig. 99) for each button, not how a change of state of a displayed button relates to any displayed detail settings or pop-ups.

Reason "6"

The Examiner relies on Figs. 4A-4K of Beaudet as teaching our claimed pop-up detail setting changes with a co-displayed interrupt key. In Beaudet there is a soft interrupt key for a print job that is being run. Fig. 4C shows the control panel display with this key. The operator can then set up and run the copy job. Figs. 4A-4K do not show, teach or suggest display copy detail settings with pop-up detail settings, as required by all of the pending claims. No Beaudet display has an interrupt button that is displayed, and remains displayed, together with one of several pop-up detail settings so that an operator may be confused as to whether the pop-up details relate to a copy job being run, or a stand-by job. Beaudet has no detail settings in a pop-up display together with an interrupt key, so the problem of confusion as to what job is being run is not present.

Second Clear Error and/or Omission in the Final Office Action

The Tezuka reference has a GUI and describes buttons that change states. However, the Tezuka display with an interrupt button, as noted above with respect to Figs. 25 and 29, is not on a display of detail settings of one of plural jobs on a copier, or printer. Moreover, Tezuka has a GUI used to set operator parameters of equipment in

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a network that includes printers, but there is no teaching that a GUI with an interrupt button is a display of pop-up detail settings of a selected one of plural copy jobs, or that a button that can change states is controlled by a display control in coordination with such detail setting. There is a discussion of "copy interruption" at Col. 62-63 of Tezuka, but it is not the claimed combination of features involving an interruption key. Tezuka does not recognize the problem of possible operator confusion when the same pop-up detail setting displays in connection with interruption of one copy (or printer) job to run a second copy (or print) job, let alone teach or suggest the claimed solution.

Third Clear Error or Omission in the Final Office Action

The Examiner argues that one of ordinary skill in the art would use a change in display state of a key as taught in Tezuka in combination with a detail setting pop-up (Figs. 4D and 4E, para. [0041] and [0042]). But the "Interrupt Print Job" key of Beaudet becomes a completely different button or key, 'Reset Setup.' This is consistent with the successive, serial display of different screens shown in Beaudet Fig. 4, where one operation or decision leads to a new screen, as in a logical moving through a flow chart. An operator of the Beaudet system would be confused as to which one of several jobs relates to the screen then displayed. There is therefore no reason to continue to display the "Interrupt Print Job" key in a changed state. If the teachings of Tezuka are known to the person of ordinary skill, there is no reason to modify Beaudet to use them. In other words, the cited references provide reasons not to combine them. The technical idea of eliminating the interrupt key is not equivalent to the technical idea of changing the state of the interrupt key.

Applicants submit that all of the claims under final rejection are in condition for allowance and should be allowed, and that the Final Office Action should be withdrawn.

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Applicants believe that there is no fee required for the submission of the Pre-Appeal Brief Request for Review. However, if for any reason one or more fees are required for the entry and consideration of that Request, these Remarks, or anything else being filed herewith, the Commission is authorized and requested to charge Deposit Account No. 04-1105.

Dated: June 16, 2008

Respectfully submitted,

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